

MUD IN THE STREET, IT'S NOT MY MUD!

Submitted by City of Lincoln, Public Works and Utilities Department, Watershed Management Division

This is the second in a continuing series of articles provided by the City of Lincoln, Watershed Management Division to address sediment and erosion control issues. One of the more predominant issues in addressing the mud in the street problem is; whose mud is it? The calls the City receives regarding mud in the street from the general public are individually investigated, documented and followed up on. A very common reply the City receives from persons operating these sites is that the mud in the street, directly in front of their building site is coming from another location and not their building site.

So! Whose mud is it? The City uses the following criteria to assist in establishing responsibility for the removal of mud in the street:

1. If someone has observed mud being tracked from a site and can identify a vehicle, the operator of that vehicle will be held responsible to remove any tracked mud.
2. If it is clear upon inspection that mud on the street is originating from a particular site, the property owner for the site is held responsible for removing the sediment from the public right of way.
3. If a single point of origin for sediment in the public right of way is not clearly evident, than adjacent and nearby properties are inspected. Items reviewed include property grades, construction activity, lack of vegetation, and sediment and erosion control measures.

What does the City do for enforcement? Initial actions by the City are to inspect the site and communicate with the property owner. The initial communication may be in person during an on-site visit, by phone, or in a Warning Notice letter.

For those sites where a vehicle is known to have tracked mud (Item 1 above) a letter may be received by the owner of the vehicle from the Police Department on Mud Tracking.

If these warnings do not resolve the issue and sediment in the public right of way continues to be an issue the next step is to send a 'Notice and Order' letter specifically stating that the sediment is to be removed in 48 hours. Continued non-compliance with sediment and erosion control standards after this point can result in the filing of a misdemeanor complaint and/or an assessment for removal of the sediment.

The responsible property owner may also be subject to actions and fines from the Nebraska Department of Environmental Quality (NDEQ) of up to \$10,000 per day for each day the violation continues.

For severe problems or repeated offences the City may skip some of the initial actions and go directly to the 'Notice and Order' letter or to fines/assessments.

If everyone takes responsibility for their building site, keeping our streets free of mud can be a straight forward process. Not only is this good for stormwater quality, but will help when selling new homes.

The City of Lincoln is committed to providing education and assistance to builders for erosion and sediment control. Future articles will highlight specific, simple measures that can be taken on individual building sites to control erosion and sedimentation.

In the meantime, if you have questions regarding erosion and sediment control measures or enforcement, please contact Gary Lacy with Public Works and Utilities at 441-4957.